

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, October 19, 2011 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Mark B. Madsen, Senate Chair
Rep. Kay L. McIff, House Cochair
Rep. Curtis Oda, House Cochair
Sen. Lyle W. Hillyard
Sen. Ross I. Romero
Sen. Stephen H. Urquhart
Pres. Michael G. Waddoups
Rep. Patrice M. Arent
Rep. LaVar Christensen
Rep. Fred C. Cox
Rep. Steve Eliason
Rep. Richard A. Greenwood
Rep. Don L. Ipson
Rep. Ken Ivory
Rep. Brian S. King
Rep. Lee B. Perry
Rep. Paul Ray

Rep. Jennifer M. Seelig
Rep. Mark A. Wheatley

Members Absent:

Sen. Daniel R. Liljenquist
Sen. Luz Robles
Rep. Derek E. Brown
Rep. Christopher N. Herrod
Rep. R. Curt Webb

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Mr. Nathan W. Brady, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Jennifer Christopherson, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair McIff called the meeting to order at 2:30 p.m.

MOTION: Rep. Ipson moved to approve the minutes of the September 21, 2011 meeting. The motion passed unanimously with Sen. Urquhart, Rep. Eliason, Rep. Perry, and Rep. Seelig absent for the vote.

2. Kidnap Offender Registry Amendments

This item was discussed at the September 21, 2011 meeting but no quorum was present to take action.

MOTION: Rep. Cox moved to recommend 2012 General Session draft legislation, "Kidnapping Offender Amendments" (2012FL-0065/008), which was distributed in the mailing packet. Committee discussion followed.

The motion passed unanimously with Sen. Romero, Sen. Urquhart, Rep. Greenwood, Rep. Perry, Rep. Ray, Rep. Seelig, and Rep. Wheatley absent for the vote.

3. Sex Offender Registry Chapter

This item was discussed at the September 21, 2011 meeting but no quorum was present to take action.

MOTION: Rep. Ipson moved to recommend 2012 General Session draft legislation, "Sex Offender Registry Chapter" (2012FL-0189/003), which was distributed in the mailing packet. Committee discussion followed.

The motion passed unanimously with Sen. Romero, Sen. Urquhart, Rep. Greenwood, Rep. Perry, Rep. Ray, Rep. Seelig, and Rep. Wheatley absent for the vote.

4. Civil Commitment Amendments

Rep. Daw discussed 2012 General Session draft legislation, "Civil Commitment Amendments" (2012FL-0006/008), regarding amending the process for civil commitments by modifying the Substance Abuse and Mental Health Act to include harmful sexual conduct by mentally ill persons as grounds for civil commitment. He responded to questions and comments from the Committee.

Mr. Adam Trupp, Utah Association of Counties, responded to questions from the Committee. He said it is solely the responsibility of the counties when someone is civilly committed.

MOTION: Rep. Ipson moved to recommend 2012 General Session draft legislation, "Civil Commitment Amendments" (2012FL-0006/010). The motion passed unanimously with Sen. Romero, Sen. Urquhart, Rep. Greenwood, Rep. Perry, Rep. Ray, Rep. Seelig, and Rep. Wheatley absent for the vote.

5. Forensic Commitment Amendments

This item was not discussed.

6. Housing State Inmates in County Jails

Mr. Michael Haddon, Deputy Director, Utah Department of Corrections, distributed and discussed "2011 Jail Report" regarding the state's use of county jail facilities to house state inmates and the contracted rates at which the state reimburses the jails. Mr. Haddon responded to questions from the Committee.

Mr. David Walsh, Deputy Director, Commission on Criminal and Juvenile Justice (CCJJ), answered questions from the Committee and noted that counties without jails contract with other counties to house inmates on an individual basis.

The Committee asked about out-of-state contracting. Mr. Haddon responded saying that Utah has not explored contracting inmates out to other states, and privatization is always an open option.

7. Child Support Advisory Guidelines Committee Report

Mr. Adam Caldwell, Chair, Child Support Advisory Guidelines Committee, gave a report from the 2011 Utah Child Support Advisory Guidelines Committee regarding the study items and recommendations the committee has addressed since its last required report to the Legislature in 2007.

Mr. Caldwell responded to questions from the Committee, stating the problem is the committee does not have enough time to gather and analyze data in a three-month period in order to provide recommendations.

Mr. Michael Evans, Commissioner, Third District Court, discussed the committee's proposed legislation and explained the reason for each change proposed. He responded to questions and comments from the Committee noting that the advisory committee is not recommending the guidelines be adjusted solely based on inflation, but the committee does not have the ability to acquire the information needed to make a review.

Ms. Chelsea-McCarty explained the bill in the packet, saying it only added the date and said there was no need for a vote.

8. Drug Offender Reform Act (DORA)

Ms. Mary Lou Emerson, Director, Utah Substance Abuse Advisory Counsel, CCJJ, distributed and

discussed "SFY 2011 DORA Implementation Plan," "DORA Statewide Evaluation," and "DORA: Utah's Drug Offender Reform Act" slides. She spoke regarding the implementation, impact, and results of the Drug Offender Reform Act.

Ms. Audrey Hickert, Research Analyst, Utah Criminal Justice Center, explained that the center has followed a sample of 1,300 people, who started with DORA in FY 2008 and 2009 to evaluate the effectiveness of the program. Ms. Hickert noted the center is at a point now where it can begin to track those outcomes.

Ms. Emerson and Ms. Hickert responded to questions from the Committee, noting the rate of probationers returning to prison is historically lower and the rate of parolees returning to prison is slightly higher.

9. DUI Report

Ms. Emerson distributed and discussed "2011 Ninth Annual DUI Report to the Utah Legislature," noting in CY 2010 the percentage of total crash fatalities that were DUI-related decreased from 12.7 percent to 9.9 percent. Reports show there were 13,816 arrests in FY 2011, 1,469 fewer than in FY 2009.

Ms. Anna Kay Waddoups, Chair, Utah Substance Abuse Advisory Council DUI Committee, commented that every four hours an accident occurs in Utah that is alcohol-related.

Ms. Emerson and Ms. Waddoups responded to questions from the Committee stating DUI education is constantly being updated. Rep. Oda requested a breakdown between alcohol related verses other substance or impairment injuries and fatalities.

10. Other Business / Adjourn

MOTION: Rep. Arent moved to adjourn the meeting. The motion passed unanimously with Sen. Madsen, Rep. Christensen, Rep. Greenwood, Rep. Ipson, Rep. Perry, Rep. Ray, Rep. Seelig, and Rep. Wheatley absent for the vote.

Chair McIlff adjourned the meeting at 4:19 p.m.